

Ronald F. Price (5535)
Jason M. Kerr (8222)
Alan Dunaway (13514)
PRICE PARKINSON & KERR, PLLC
5742 West Harold Gatty Drive
Salt Lake City, UT 84116
Telephone: (801) 530-2900
Facsimile: (801) 517-7192
Email: ronprice@ppktrial.com
jasonkerr@ppktrial.com
alandunaway@ppktrial.com

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

SANMEDICA INTERNATIONAL, LLC,)	
a Utah Limited Liability Company.)	
)	
Plaintiff,)	JOINT MOTION TO AMEND AMENDED
)	SCHEDULING ORDER
v.)	
)	Case No. 2:16-cv-00191
QUANTUM WELLNESS BOTANICAL)	
INSTITUTE, LLC, a California Limited)	Judge: David Nuffer
Liability Company: and John Does, 1-10,)	
Defendants.)	

The parties, through their respective counsel, hereby jointly move the Court to amend the amended scheduling order and, in support thereof, state as follows:

1. On September 26, 2016, the original attorneys for defendant Quantum Wellness Botanical Institute, LLC, a California limited liability company (“Quantum California”) filed a motion to withdraw as counsel. That motion was granted on October 19, 2106, and defendants’ new counsel appeared in the case on November 8, 2016. *See, e.g.*, Docket Nos. 23, 25, 26.

2. After defendants' current counsel appeared in the case, the parties filed a joint motion for leave to file an amended complaint, which motion was granted by the Court on November 28, 2016. *See* Docket No. 28.

3. Plaintiff filed its amended complaint on November 29, 2016. The amended complaint added four new parties as defendants -- Quantum Wellness Botanical Institute, LLC, and Arizona company, Maria Veloso and Robert Veloso (collectively the "New Defendants"), and Fred Auzenne. *See* Docket No. 33.

4. After requesting and receiving an extension of time to respond to the amended complaint, the defendants filed a motion to dismiss for failure to state a claim (seeking to dismiss one, but not all, of plaintiff's claims) (the "Motion to Dismiss"), and motion to dismiss defendant Auzenne for lack of personal jurisdiction. *See, e.g.,* Docket Nos. 38, 43.

5. Plaintiff subsequently voluntarily dismissed, without prejudice, its claims against defendant Auzenne. *See, e.g.,* Docket No. 44.

6. The Motion to Dismiss has been fully briefed. *See, e.g.,* Docket Nos. 43, 45, 47, and 48.

7. The defendants have not filed an answer to the amended complaint.

8. The New Defendants have not served their initial disclosures.

9. Pursuant to the current amended scheduling order, the last day to serve written fact discovery is March 20, 2017, and the close of fact discovery is scheduled for April 17, 2017. *See, e.g.,* Docket No. 20.

10. Defendants have agreed that, although not required to answer the amended complaint prior to resolution of their pending motion to dismiss, defendants will serve and file

answers to the amended complaint on or before March 31, 2017, although those answers will respond only to those causes of action which are not subject to the pending motion to dismiss.

11. The parties have also agreed that, in entering into this joint motion, each party reserves the right to subsequently seek leave, should the need arise, to amend any revised scheduling order, and each party reserves the right to object to any subsequent motion.

Accordingly, the parties stipulate and agree, and hereby jointly move the Court to amend the amended scheduling order as follows:

1. to the extent not already provided, the parties shall provide their Rule 26 initial disclosures on or before April 10, 2017;
2. extending all other relevant deadlines by approximately five (5) months.

A proposed order granting this joint motion and establishing a new schedule in this matter is submitted concurrently herewith.

DATED this 22nd day of March, 2017.

PRICE PARKINSON & KERR, PLLC

/s/ Ronald F. Price
Ronald F. Price
Jason M. Kerr
Alan W. Dunaway
Attorneys for Plaintiff

STOEL RIVES LLP

Wesley F. Harward
Timothy K. Conde
Wesley F. Harward
Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 22nd day of March, 2017, a true and correct copy of the foregoing **JOINT MOTION TO AMEND AMENDED SCHEDULING ORDER** was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing by e-mail to the following:

Timothy K. Conde
Wesley F. Harward
STOEL RIVES
201 South Main Street, Suite 1100
Salt Lake City, Utah 84111
timothy.conde@stoel.com
wesley.harward@stoel.com

/s/ Ronald Price

Ronald Price